

Claims 2, 3, 6, 9 and 11 have been amended and claims 16-18 have been added.

Claims 2, 3 and 5-12 are presented for reconsideration; claims 16-18 are presented for consideration.

#### REMARKS

Applicants have amended their claims in order to more particularly point out and distinctly claim their invention. Thus, the limits of originally filed claim 4 have been incorporated into claim 1 to create new independent claim 16. Claim 16 is supported by the originally filed claims and by the disclosure on page 2, last paragraph of the present application. Since claims 1 and 4 fail to further limit amended claim 16, they have been presently cancelled. Claim 13 has been cancelled without replacement and claims 14 and 15 have been rewritten as proper method of use claims.

It is respectfully submitted that the claims presented for reconsideration or consideration are in good formal order. Reconsideration and withdrawal of both § 101 and § 112 rejections with regard to the claims presented for reconsideration or consideration is respectfully solicited in light of the remarks *supra*.

Claims 1-10, 13 and 14, now claims 16, 2, 3, 5-10 and 17-18, are rejected under 35 U.S.C. § 103 as being unpatentable over Harms, GB 2,034,731.

Applicants note that the exemplified dyes of Harms differ from the instantly claimed dyes of new claim 16 with respect to the diamino bridge member connecting the anthraquinone chromophore and the triazine ring. With regard to this structural difference, the examiner has asserted that the specific 5 and 6 carbon isomers claimed herein would have been obvious to the skilled artisan absent a showing of criticality. In response thereto the examiner is requested to consider the results of the comparative tests in the enclosed Declaration.

In said Declaration the dye of Example 78 on page 18 of Harms was compared with an instantly claimed dye. The dyestuffs A and X in the declaration only differ from each other with respect to the

diamino bridge member. The declaration clearly shows that dye A according to the present application has a distinctly better affinity to cotton fibre material. The expert found the extent of the improvement to be very surprising and unexpected in view of the structural similarity of the compounds and of considerable practical and commercial importance.

Reconsideration and withdrawal of the rejection of claims 1-10, 13 and 14, now claims 16, 2, 3, 5-10 and 17-18, under 35 U.S.C. § 103 as being unpatentable over Harms is respectfully solicited in light of the declaration and remarks *supra*.

The examiner has pointed to U.S. Patent 3,558,621 (Bien et al.) as pertinent to Applicant's disclosure. However, it is to be noted that the dyes of this reference necessarily contain amino-phenylene-methylene-amino bridge members (see the general formula in column 1 of Bien et al.) instead of amino-methylene-phenylene-methylene-amino bridge members as required by new claim 16.

In view of the structural difference between the dyes of Bien et al and the instantly claimed dyes, the artisan would not have been motivated by this reference to prepare and test dyes like those within the ambit of new claim 16.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 16, 2, 3, 5-12 and 17-18 is earnestly solicited.

Respectfully submitted,



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Enclosure: Declaration

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